

10-23-00
CONTINUING PATENT APPLICATION TRANSMITTAL
(for Continuing Applications
under 37 C.F.R. §1.53(b))

Attorney Docket No. 70102

First Named Inventor or
Application Identifier: Fitzgibbon et al.

Box PATENT APPLICATION

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R.
§1.53(b) for filing a:

- (X) Continuation application,
() Divisional application,
() Continuation-in-Part application,

of pending prior application number 09/161,840,

filed on September 28, 1998 of James J. Fitzgibbon et al.
(Date) (Inventor(s))

for MOVABLE BARRIER OPERATOR
(Title)

1. (X) This is a continuation or divisional application. Enclosed is a copy of the prior application as originally filed, including specification, claims, drawings, and oath or declaration.

- or -

- (X) Enclosed is a patent application (for continuation, divisional, or continuation-in-part applications) containing:

(X) 145 pages of the specification (including claims).

(X) 45 sheets of drawings () Formal (X) Informal.

- (X) Amend the specification by inserting before the first line the sentence: --This is a [X] continuation, [] division, [] continuation-in-part, of prior application number 09/161,840, filed September 28, 1998, which is hereby incorporated herein by reference in its entirety.-- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 3 below, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.

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3. (X) A copy of the executed oath or declaration filed in the prior nonprovisional application is enclosed.
4. () Inventorship:
- () A newly-executed oath or declaration and power of attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).
- () Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):
- _____.
- () The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).
5. () Assignment(s) of the invention to _____, and cover sheet are enclosed.
- () A check in the amount of \$_____ to cover the fee for recording the assignment(s) is enclosed.
6. (X) The prior application is assigned of record to
THE CHAMBERLAIN GROUP, INC.
7. () Small Entity Status (37 C.F.R. §1.28(a)(2)):
- () A statement of status as a small entity is enclosed.
- () A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.
- () Status as a small entity is no longer claimed.
8. () A 37 C.F.R. §3.73(b) statement is enclosed (where an assignee seeks to take action in a matter before the Patent Office).
9. (X) A preliminary amendment is enclosed.
10. () Drawings:
- () Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)

- () New formal drawings are enclosed.
- () Informal drawings are enclosed.
11. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. () An Information Disclosure Statement is enclosed.
- () A Form PTO-1449 is enclosed.
- () _____ References (copies) listed on the Form PTO-1449 are enclosed.
13. () A MicroFiche Computer Program (Appendix) is enclosed.
14. (X) A Return Receipt Postcard is enclosed (MPEP §503).
15. () A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- () A Computer Readable Copy is enclosed.
- () A Paper Copy (Identical to Computer Copy) is enclosed.
- () A Statement Verifying Identity of above Copies is enclosed.
16. () Priority of application number ____/____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- () The certified copy of the priority document has been filed in prior application number ____/____, filed _____.
- () A certified copy of the priority document is enclosed.
17. (X) Power of Attorney:
- (X) The power of attorney in the prior application is to:
- (X) Timothy E. Levstik Reg. No. 30,192,
FITCH, EVEN, TABIN, & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
and other members of the firm.
- (X) Customer Number 22242.
- () The power appears in the original papers in the prior application.
- () Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

18. (X) Cancel in this application original claims 1-5 and 7-30 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

19. (X) The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,
Less Any Claims Cancelled by Amendment

(X) Basic Utility Fee	\$ 710.00	\$ <u>710.00</u>
• (X) Independent Claims <u>2</u> - 3 = <u>0</u> x \$ 80.00 =	\$ <u>-0-</u>	
• (X) Total Claims <u>2</u> - 20 = <u>0</u> x \$ 18.00 =	\$ <u>-0-</u>	
• () Fee for Multiply Dependent Claims	\$270.00	\$ <u> </u>
or		
() Basic Design Fee	\$ 320.00	\$ <u> </u>
Total of above Calculations		\$ <u>710.00</u>
Reduction by 50% for Filing by Small Entity		\$ <u> </u>
Total		\$ <u>710.00</u>

20. (X) A check in the amount of \$ 710.00 is enclosed.

21. () Charge \$ to Deposit Account No. 06-1135.

22. () The payment of the Filing Fee is to be deferred until the Declaration is Filed. Do not charge our Deposit Account.

23. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

24. () Also enclosed:

25. (X) Address all future communications to Customer Number 22242.



FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

October 20, 2000
(Date)

Timothy E. Levstik
Registration No. 30,192
(X) Attorney or agent of record
() Filed under §1.34(a)

PATENT APPLICATION

Attorney Docket No. 70102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James J. Fitzgibbon
Paul E. Wanis
Colin B. Willmott

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EL 600581103 US

Appln No. Not yet assigned

) Date of Deposit October 20, 2000

Filed: Herewith

) I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Title: MOVABLE BARRIER OPERATOR

Group

Art Unit: Not yet assigned

) Edward Price
(Typed or printed name of person mailing)

Examiner: Not yet assigned

) Edward Price
(Signature of person mailing)

Commissioner of Patents and Trademarks
ATTENTION: Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment/reply in the above-identified application.

() A paper requesting correction/substitution of drawings is attached.

(X) No additional fee is required.

Fee Calculation For Claims As Amended

	As Amended	Previously Paid For	Present Extra	Rate	Additional Fee
Independent Claims	<u>2</u>	- <u>3</u>	** =	\$ 80.00	= \$ <u>-0-</u>
Total Claims	<u>2</u>	- <u>20</u>	* =	\$ 18.00	= \$ <u>-0-</u>
Fee for Multiply Dependent Claims				\$270.00	\$ <u> </u>
** At least 3				Total Additional Fee	\$ <u>-0-</u>
* At least 20					

() Small Entity Fee (reduced by half) \$

() A check in the amount of \$ is attached.

() Charge \$ to Deposit Account No. 06-1135.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

FITCH, EVEN, TABIN & FLANNERY

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By:

Timothy E. Levstik
Registration No. 30,192